

Senator Finlay then moved to adjourn to 9 o'clock A. M. to-morrow. Carried by the following vote:

Yeas—Senators Avinger, Baker, Cole, Ford, Fountain, Franks, Gaines, Hall, Pyle, Randle, Saylor, Sayers, Swift and Mr. President—14.

Nays—Senators Dohoney, Henry, King, Shelley, and Word—5.

SENATE CHAMBER.

AUSTIN, TEXAS, May 30, 1873. {

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Dillard the reading of the journal of yesterday was dispensed with.

On motion of Senator Pyle the journal was corrected so as to show that he did on yesterday move to reconsider the vote passing Senate substitute for House bill No. 712, "An act granting lands to the International Railroad."

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 939, entitled "An act to amend article seven hundred and two of an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856," after a careful examination thereof, instruct me to report the same back to your honorable body with the recommendation that it do not pass.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred House joint resolution No. 944, entitled "Joint resolution requiring county courts to make settlements with sheriffs and treasurers of school boards," instruct me to report the same back and recommend its passage.

JOHN L. HENRY, Chairman.

On motion of Senator Henry the rules were suspended and the resolution and report taken up.

The resolution was read second time and passed to a third reading; rules further suspended, the resolution read third time and passed.

On motion of Senator Franks, the rules were suspended to take up House bill No. 824, "An act requiring the Commissioner of the General Land Office to furnish the surveyor's office of Hays county with a transcript of the records of said office."

The bill was read second time and passed to a third reading; rules further suspended, the bill read third time and passed.

A message was received from the House, informing the Senate that the House had passed Senate bill No. 244, "An act to incorporate the Austin and Pacific Short Line Railroad Company," with an amendment by the House.

On motion of Senator Ball, the bill was taken up, and Senate concurred in the amendment of the House.

Senator Fountain in the chair.

Senator Sayers submitted the following report:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIRS: Your committee to whom was referred House bill No. 441, entitled "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872," together with Senate substitute bill No. 441, entitled "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874," have carefully examined both bills, and recommend the adoption of the Senate substitute bill, instead of the House bill, with the accompanying amendments to said Senate bill.

JOS. D. SAYERS,

Chairman of Senate Committee,

W. W. MORRIS,

Chairman House Committee.

In the appropriation for the Adjutant General's department, line twenty-three, of page . . . , strike out "800," and insert "500." In line twenty-four, of same page, strike out "700" and insert "400." In line twenty-eight, of same page, strike out "two" and insert "one." In line twenty-nine, of same page, strike out "clerks at \$1500 each, \$3000," and insert, "clerk at \$1800." In vacancy in line thirty, of same page, insert "\$600."

In the appropriation for the school department, in line twelve, of page, strike out the words "for postage and traveling expenses \$1800." In line seventeen, of same page, strike out "at \$" In lines nineteen and twenty of same page, strike out the words and figures "payment of inspectors to May 30, 1873, \$15,000."

In appropriation for Lunatic Asylum, at the end of line one, of page, add the words "and freights." In line three, of same page, strike out "\$4000," and insert "\$2000." In line five, of same page, strike out "for live stock, \$700." In line six of same page, strike out "\$760," and insert "\$300." In line seven of same page, strike out "\$2000," and insert "\$1000." In line eighteen of same page, strike out "one carpenter \$480." In line nineteen of same page, strike out "for one mason \$480." In line twenty of same page, strike out "for one gardner \$300." In line twenty-two of same page, strike out "three farm hands at \$240 each, \$720," and insert "two farm hands at \$240 each, \$480." In line twenty-four of same page, strike out "\$250," and insert "\$500." In lines twenty-four and twenty-five of same page, strike out "for drayage and freights \$640." In line twenty-nine of same page, strike out "\$58,200," and insert "\$52,150."

In appropriation for Deaf and Dumb Asylum, in line eighteen, of page, strike out "\$20,000," and insert "\$15,000."

In appropriation for Judiciary Department, in lines twenty-seven and twenty-eighth of page, strike out "for postage and contingent expenses \$800;" and in line twenty-nine of same page, strike out "400," and insert "300." In line fifteen of second page of appropriation to same department, strike out "400," and insert "300." In lines twenty-four and twenty-five of same page, strike out "for furniture for Supreme Court room and clerk's office, \$5000."

In appropriation for Immigration Bureau, in lines twenty-nine and thirty, of page, strike out "for printing forty thousand maps of Texas \$3000." In lines three and four of second page of same appropriation, strike out "newspaper articles and other publications in Texas, \$300." In line six, of same page, strike out "1500," and insert "1200." In lines seven and eight of same page, strike out "salary of agent in Great Britain, \$2500."

In miscellaneous appropriation, in lines twenty-four, twenty-five and twenty-six, of page, strike out "for services of attorneys in prosecuting the rights of the State to the great salt lake called Sal del Rey, \$3000." In lines one and two of next page, strike out "\$20,000; for ornamenting public grounds, \$10,000," and insert "\$10,000, to be expended under the direction and supervision of the Commissioner of Public Buildings."

In appropriations for Pensions, strike out all in lines one, two, three, four, five and six of page

Amend section two so as to read as follows: "SEC. 2. All printing provided for in this act shall be done by the public printer, and this act shall take effect and be in force from and after its passage."

Senator Sayers moved to adopt the report. Adopted.

The hour having arrived for the special order, viz., House bill No. 105, An act for the relief of certain citizens of Limestone and Walker counties," Senator Franks move to postpone the same until the pending business was disposed of.

Senator Dillard moved a call of the Senate. Call sustained.

On motion of Senator Franks the call was suspended.

Senator Ruby moved to indefinitely postpone the special order. Lost by the following vote:

Yeas—Senators Baker, Ford, Fountain, Gaines, Rawson, Randle, Ruby and Tracy—8.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Franks, Hall, Henry, King, Pyle, Saylor, Sayers, Shelley, Swift and Word—17.

The motion to postpone the special order until the pending business was disposed of was then put and carried.

The question then being on the adoption of the report of the committee of conference on the disagreement of the two houses on the general appropriation bill, the same was put and adopted.

The special order, viz., House bill No. 105, "An act for the relief of certain citizens of Limestone and Walker counties," was then taken up.

The bill was read second time and the amendments reported by the committee adopted.

Senator Franks then moved that the bill be passed to a third reading.

Senator Baker moved a call of the Senate. Call sustained.

Absent—Senators Gaines and Tendick.

The sergeant-at-arms was dispatched for the absent Senators.

Senator Ruby moved to lay the motion on the table made by Senator Finlay on yesterday, to reconsider the vote passing House bill No. 291, "An act to incorporate the Gulf, Colorado and Santa Fé Railway Company." Carried by the following vote:

Yeas—Senators Baker, Broughton, Dillard, Gaines, Henry, King, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tendick and Tracy—14.

Nays—Senators Avinger, Ball, Cole, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Pyle, Swift and Word—12.

Senator Dohoney, chairman *pro tem.* of the Committee on Internal Improvements, made the following report: *Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company," have had the same under consideration, and instruct me to report the same back, and respectfully recommend its passage.

E. L. DOHONEY, Chairman *pro tem.*

On motion of Senator Sayers, the report just read and the bill were taken up.

The bill was read second time and passed to a third reading; rules further suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Fountain, Gaines, Hall, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—25.

The Senate being full, the call was suspended, and House bill No. 105, "An act for the relief of certain citizens in Limestone and Walker counties," was taken up.

Senator Saylor moved to postpone the consideration of the bill until to-morrow at 12 o'clock M., and that one hundred copies be ordered printed. Lost by the following vote:

Yeas—Senators Baker, Ford, Fountain, Gaines, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—10.

Nays—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Franks, Hall, Henry, King, Pyle, Sayers, Shelley, Swift and Word—17.

The bill was then read third time and passed by the following vote :

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Fountain, Franks, Hall, Henry, King, Pyle, Sayers, Shelley, Swift, Word and Mr. President—19.

Nays—Senators Baker, Ford, Gaines, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—9.

Senator Word offered the following resolution :

Resolved, That the secretary of the Senate shall call the names of the Senators in the order in which they stand, and that each Senator, when his name is called, may call up any bill if he choose to do so, but not more than one bill at one time, until every Senator shall have called.

Senator Finlay moved to lay the resolution on the table. Lost by the following vote :

Yeas—Senators Baker, Ball, Finlay, Gaines, Rawson, Ruby and Shelley—7.

Nays—Senators Avinger, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Fountain, Franks, Hall, Henry, Pyle, Randle, Sayers, Swift, Tendick, Tracy and Word—18.

The question recurring on the adoption of the resolution, the same was put, and the resolution adopted.

Senator Tracy, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following reports :

Hon. E. B. Pickett, President of the Senate :

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 51, "An act for the relief of sureties upon official bonds," and find the same correctly enrolled.

J. G. TRACY, Chairman *pro tem.*

Hon. E. B. Pickett, President of the Senate :

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following Senate bills, to wit:

No. 326, "An act to validate first-class land certificate No. 150, issued to Freeman Prewitt by the board of land commissioners of Jasper county, July 5, 1839."

No. 200, "An act to amend an act incorporating the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870."

No. 95, "An act for the relief of Luke G. Lea."

No. 75, "An act to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county, contracted for the building of a jail, and to provide for their payment."

No. 336, "An act to provide for the printing of the general laws of this State in the German and Spanish languages."

No. 304, "An act to incorporate the Clinton Bridge Company."

And find the same correctly enrolled.

J. G. TRACY, Chairman *pro tem*.

Senator Tracy offered the following resolution, which was adopted:

Resolved, That the committees on Enrolled and Engrossed Bills be authorized to employ such assistance as may be necessary for the purpose of keeping up the business of the enrolling clerk.

Senator Ball introduced a joint resolution authorizing the Governor to effect the removal of the Indians from the frontier of this State, and making an appropriation for that purpose.

The resolution was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Dohoney, Evans, Finlay, Fountain, Franks, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—21.

Senator Avinger called up House bill No. 895, "An act to amend the first section of an act to establish and incorporate the College of De Kalb."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Baker called up House bill No. 793, "An act for the relief of the heirs of Frederick Rowe, deceased."

The bill was read second time, and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dohoney, Evans, Finlay, Fountain, Franks, Gaines, King, Pyle, Rawson, Randle, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

Senator Dillard called up Senate bill No. 374, "An act to amend article three hundred and ninety-two of the Criminal Code."

The bill was read second time and ordered engrossed; rules suspended read third time and passed.

Senator Dohoney called up House bill No. 878, "An act to prohibit the granting of license for the sale of intoxicating liquors within two and a half miles of any college, academy, seminary or school not embraced in any incorporated town or county seat."

The bill was read second time.

Senator Ford proposed to amend the bill by striking out the words "or school," in section one, line four. Adopted.

Senator Sayers proposed to amend as follows: At the end of section one add "*provided*, the provisions of this act shall not apply to and be in force in Bastrop and Fayette counties." Adopted.

Senator Finlay proposed to amend by adding the following: "*Provided*, that this act shall not apply to any county in the Thirtieth Senatorial District." Adopted.

Senator Ruby proposed to amend by adding the following: "*Provided*, that this act shall not apply to Galveston county. Adopted.

Senator Broughton, moved to lay the bill on the table. Carried by the following vote:

Yeas—Senators Baker, Broughton, Dillard, Finlay, Fountain, Henry, King, Pyle, Randle, Saylor, Sayers, Shelley, Tendick and Tracy—14.

Nays—Senators Avinger, Dohoney, Evans, Ford, Gaines, Hall, Rawson, Ruby, Swift and Word—10.

Senator Shelley submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your special committee, to whom was referred House bill No. 809, to be entitled "An act providing for the condemnation and sale of land for delinquent taxes," have carefully considered the same, and I am instructed to report the bill back and recommend its passage with the accompanying amendments.

N. G. SHELLEY, Chairman.

Amend section one, lines ten and eleven, by striking out all after the word "county," in line ten, down to and including the word "assessed," in line eleven; also, by striking out the words "or personal," in line twelve.

Amend section three by adding thereto the words "for any cause antecedent to the judgment."

Senator Shelley introduced a bill to amend section one of article three of the charter of the city of Austin. Read first time and not referred.

Senator Broughton called up House bill No. 952, "An act for the protection of the farming interest of a certain portion of Cooke county."

The bill was read first time; rules suspended, read second time; rules further suspended, the bill read third time and passed.

Senator Evans called up House bill No. 847, "An act supplementary to the act incorporating the city of Dallas."

The bill was read first time; rules suspended, read second time and passed to a third reading; rules further suspended, the bill read third time and passed.

Senator Ford called up House bill No. 686, "An act to authorize T. C. Jourdan to purchase one hundred and sixty acres of land situate in the county of Hood, being a part of the land surveyed for the county of Milam for the purposes of education."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Henry, King, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Tendick and Tracy—21.

Nays—Senators Saylor and Word—2.

The following message was received from the House, informing the Senate of the passage, by the House, of the following bills:

House bill No. 653, "An act to incorporate the Lavaca County Tap Railway Company."

House bill No. 962, "An act to transfer certain causes pending in the District Court of Kaufman county to the District Court of Rockwall county."

House bill No. 513, "An act to authorize and empower the County Court of Milam county to levy and collect a special tax for the purpose of building a county jail."

House bill No. 887, "An act supplementary to and amendatory of an act supplementary to and amendatory of an act to regulate railroad companies, approved February 7, 1853, and December 19, 1857."

Senate bill No. 380, "An act to amend section ten of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State."

Senate bill No. 383, "An act to effect a loan to meet deficiencies in the revenue."

Also, that the House had concurred in Senate amendments to the following House bills:

House bill No. 877, "An act to authorize the County Court of Colorado county to levy a special tax for the erection of a county jail."

House bill No. 902, "An act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act prescribing the times of holding the district courts in the several judicial districts of the State."

House bill No. 837, "An act to incorporate the San Marcos, Guadalupe and Galveston Canal Company."

House bill No. 105, "An act for the relief of certain citizens of Limestone and Walker counties."

Senator Cole called up House bill No. 474, "An act to incorporate the Belton and Northwestern Railroad Company, and aid in constructing the same."

Senator Shelley moved to postpone the special order until the pending business was disposed of. Carried.

Senator Hall then moved a call of the Senate. Call sustained.

On calling the roll it appeared that the Senate was full, and the call was suspended.

The bill was then read second time.

Senator King offered the following amendment, viz.: "Provided, this prohibition herein contained shall not be so construed as to prevent any such corporation from leasing, renting or purchasing, or becoming the joint owner of such portion of any other road as may form a link in or continuation of its line of road so far as such link or continuation may constitute one common and continuous track or line of road."

Adopted by the following vote:

Yeas—Senators Avinger, Ball, Baker, Cole, Dillard, Dohoney, Henry, King, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—16.

Nays—Senators Ford, Finlay, Franks, Gaines, Hall, Pyle and Randle—8.

The bill as amended then passed to a third reading; rules suspended, read third time, and the Senate refused to pass the bill by the following vote:

Yeas—Senators Avinger, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Saylor, Sayers, Shelley, Swift, Word and Mr. President—14.

Nays—Senators Baker, Ford, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby and Tracy—11.

A message was received from the House informing the Senate of the passage by the House of the following bills:

Senate bill No. 370, "An act to provide for the payment for sheriffs for guards employed in conveying prisoners to the penitentiary of the State."

Senate bill No. 340, "An act supplementary to and amendatory of an act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof, approved April 15, 1873."

Senate joint resolution No. 45, "For the relief of Mrs. Belle Murray."

Senator Sayers called up Senate bill No. 369, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same," with amendments by the House, and the Senate concurred in the amendments.

A message was received from the House informing the Senate that the House had passed Senate bill No. 366, "An act to incorporate the town of Elgin, in Bastrop county."

Senator Finlay called up Senate bill No. 234, "An act to encourage stock raising, and for the protection of stock raisers," with House amendments.

On motion of Senator Finlay, the Senate adhered to its amendments, and the President appointed on the part of the Senate the following committee of conference to consider the disagreement between the two houses, viz.: Senators Finlay, Ball and King.

Senator Franks moved to postpone the special order until 4 P. M. Lost.

The special order was then taken up, viz., House bill No. 809, "An act providing for the condemnation and sale of land for delinquent taxes."

The bill was read second time and the amendments reported by the committee adopted. The bill then passed to a third reading; rules further suspended, the bill read third time and passed.

Senator Finlay called up House bill No. 953, "An act for the relief of Alfred S. Thurmond."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Baker, Ball, Broughton, Cole, Doherty, Evans, Ford, Finlay, Fountain, Franks, Gaines, King, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tindick and Word—20.

Nays—Senators Avinger, Henry, and Tracy—3.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills ask leave to report that they have examined and find correctly engrossed:

Senate bill No. 261, "An act to prevent the sale or gift of spirituous or intoxicating liquors within three miles of Palo Alto Institute, in Bell county."

Senate bill No. 225, "An act to amend the twenty-second section of an act entitled an act to consolidate in one act and amend the several acts incorporating the town of Rusk, in Cherokee county."

Senate joint resolution No. 38, "Joint resolution for the relief of John G. Tod, surviving captain of the navy of the Republic of Texas."

Senate bill No. 312, "An act for the relief of G. Hoffman."

Senate bill No. 360, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman."

Senate bill No. 383, "An act to effect a loan to meet deficiencies in the revenue."

Senate bill No. 318, "An act for the relief of Richard S. Walker."

HENRY C. KING, Chairman.

Senator Fountain called up House bill No. 960, "An act to amend the sixth section of an act incorporating the town of Ysleta, in El Paso county, approved May 9, 1871."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Franks called up House bill No. 913, "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Fountain, Franks, Gaines, Henry, King, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—23.

Senator Gaines called up Senate bill No. 321, "An act to incorporate the Houston City Park."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Fountain, Franks, Gaines, Henry, King, Pyle, Ruby, Saylor, Sayers, Swift, Tendick, Tracy and Word—23.

Senator Henry called up Senate bill No. 264, "An act to authorize Zimri Tate to construct, own and keep a toll bridge on the Sabine River."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Henry, King, Pyle, Rawson, Saylor, Sayers, Shelley, Swift and Word—21.

Senator King called up Senate bill No. 242, "An act for the relief of pre-emption settlers of Bandera county."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Broughton, Dillard, Dohoney, Ford, Finlay, Fountain, Gaines, Henry, King, Pyle, Rawson, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

Senator Hall called up House bill No. 792, "An act to organize the county of McMullen."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Rawson called up House bill No. 869, "An act to amend the tenth and twelfth sections of an act to regulate the district courts, approved May 13, 1846."

The bill was read second time and the amendments recommended by the committee adopted; the bill then passed to a third reading; rules suspended, read third time and passed.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, May 30, 1873.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I would respectfully ask your advice and consent to the following appointments, to-wit:

Nathan Mitchell, notary public, Cameron county.

Lewis H. Planck, notary public, Gonzales county.

S. H. Smothers, notary public, Harrison county.

W. D. Nicholson, notary public, Wilson county.

J. R. Cross, notary public, Hopkins county.

E. C. B. Parsons, notary public, Polk county.

Jasper M. Daniels, notary public, Austin county.

Geo. S. Menifee, notary public, Calhoun county.

E. W. Shands, notary public, Travis county.

W. R. Davis, notary public, Freestone county.

Very respectfully,

EDMUND J. DAVIS, Governor.

Senator Shelley called up House bill No. 928, "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre in September, 1842."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Evans, Finlay, Fountain, Franks, Gaines, King, Pyle, Rawson, Ruby, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

Senator Pyle called up House bill No. 646, "An act to incorporate the Middle Texas Fair Association."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, Henry,

King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—23.

Senator Randle called up Senate bill No. 287, "An act to incorporate the Lake City Navigation Company, and to aid in the improvement of the navigation of Big Cypress Bayou." The bill was read second time.

Senator Avinger moved to amend by striking out "sixteen sections" and inserting "ten sections." Adopted.

The bill was then ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dohoney, Ford, Finlay, Fountain, Gaines, King, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy, Word and Mr. President—20.

Senator Ruby called up House bill No. 410, "An act to amend an act entitled an act to incorporate the Magnolia Grove Association, approved June 20, 1870."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Fountain, Gaines, King, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

Senator Saylor called up House bill No. 285, "An act to validate headright land certificate No. 102, dated fifteenth of February, 1838, issued to Walter Campbell for three hundred and sixty-nine acres of land instead of three hundred and seventy and one-third acres stated in said certificate."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, King, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy and Word—20.

Senator Sayers called up House bill No. 617, "An act to authorize the County Court of Hays county to issue bonds for the purpose of funding the indebtedness of said county, and to provide for their payment."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Shelley called up House bill No. 852, "An act

to prohibit the sale of or otherwise disposing of spirituous or intoxicating liquors within six miles of the Little River Academy in Bell county, Texas."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Swift called up House bill No. 588, "An act to authorize the Police Court of Jasper county to levy and have collected a special tax for the purpose of building a jail in said county."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Tendick called up House bill No. 653, "An act to incorporate the Lavaca County Tap Railway Company."

The bill was read second time and passed to third reading; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy and Word—22.

Senator Tracy called up Senate bill No. 332, "An act to incorporate the Bayou City Hook and Ladder Company No. 2, of the city of Houston."

The bill was read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley, Swift, Tracy and Word—23.

Senator Word called up House bill No. 782, "An act providing for permanently locating the county seat of Robertson county."

Senator Hall moved a call of the Senate. Call sustained.

Absent—Senator Tendick.

Senator Word then called up House bill No. 407, "An act to incorporate the Central Texas Agricultural and Mechanical Fair Association."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Fountain, Franks,

Hall, Henry, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tracy and Word—22.

Senator Pickett called up House bill No. 749, "An act to authorize the County Courts of Chambers, Orange, Newton, Polk, Hill and Houston counties to issue interest-bearing bonds for the purpose of funding the outstanding indebtedness of said counties." The bill was read second time.

Senator Avinger moved to amend by adding Cass and Bowie counties. Adopted.

The bill then passed to third reading; rules suspended, read third time and passed.

Senator Baker called up Senate bill No. 316, "An act authorizing the purchase of additional grounds for the use of the asylum for the blind, and making an appropriation therefor."

The bill was read second time and ordered engrossed; rules further suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Hall, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tracy and Word—24.

Nay—Senator Gaines—1.

Senator Ball called up House bill No. 940, "An act to better protect the papers, records and files in the General Land Office."

The bill was read second time and the amendments recommended by the committee rejected; the bill then passed to a third reading; rules suspended, read third time and passed.

Senator Avinger called up House bill No. 860, "An act to incorporate Little River Academy, in Bell county."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—26.

The Senate being full, the call was suspended, and House bill No. 782, "An act providing for permanently locating the county seat of Robertson county," was taken up.

Senator Hall moved to postpone the consideration of the bill until Wednesday next.

Senator Finlay, chairman of Judiciary Committee No. 2, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 2, to whom was referred House bill No. 466, to be entitled "An act to amend the Penal Code of the State of Texas," having considered the same, instruct me to report it back and recommend its passage.

GEO. P. FINLAY, Chairman.

Senator Finlay, chairman *pro tem.* of the Committee on State Affairs, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House joint resolution No. 350, concerning surveyors' records of Liberty, Hill and Montague counties, having considered the same, I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem.*

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 802, to be entitled "An act to enable certain towns and cities to erect hospitals," having considered the same, I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman, *pro tem.*

On motion of Senator Finlay, the Senate adjourned till 4 o'clock P. M. by the following vote:

Yeas—Senators Baker, Broughton, Ford, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor, Tendick, Tracy and Mr. President—15.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Sayers, Shelley and Word—12.

AFTERNOON SESSION.

Senate met at 4 o'clock P. M., pursuant to adjournment. Roll called; quorum present.

Senator Sayers, chairman of Committee on Public Lands, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Public Lands, to whom was

referred House bill No. 778, entitled "An act to regulate the fees to be charged by the Commissioner of the General Land Office," have carefully examined the same, and return it with the recommendation that it do pass.

J. D. SAYERS, Chairman.

Senator Dohoney, chairman *pro tem.* of the Committee on Internal Improvements, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 640, entitled "An act to incorporate the Orange, Jasper and Shelby Railroad, and to grant lands to aid in the construction of the same," have carefully examined said bill and recommend that it do pass.

E. L. DOHONEY, Chairman *pro tem.*

Senator Shelley offered the following resolution, which was adopted:

WHEREAS, By a resolution of the Senate the sergeant-at-arms was required to search for and recover the furniture belonging to the room furnished and fitted up by the Twelfth Legislature for the use of the President of the Senate; therefore,

Resolved, That the sergeant-at-arms be and he is hereby required to make report to the Senate what he has done under the resolution aforesaid, and what portion of the furniture he has recovered and the disposition he has made of the same, and also all the information he has obtained as to the whereabouts of any portion of said furniture he has not recovered possession of.

The pending business when the Senate adjourned, viz., House bill No. 782, "An act providing for permanently locating the county seat of Robertson county," was taken up.

Senator Hall moved a call of the Senate.

Absent—Senators Evans and Ruby.

The sergeant-at-arms was dispatched for the absent Senators.

Senator Broughton called up House bill No. 580, "An act to incorporate the town of Decatur, in Wise county."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Cole called up House bill No. 744, "An act to authorize the Police Court of Hunt county to collect a special tax."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

A message was received from the House, informing the Senate that the House had passed the following bills:

House bill No. 465, "An act to incorporate the Western Texas Water Company."

House bill No. 957, "An act to prohibit the sale of or otherwise disposing of intoxicating liquors within a radius of three miles of Douglas McAlpines's East and West Academies, in Wallace's Prairie, in Grimes county."

House bill No. 966, "An act to allow the Superintendent of Public Instruction an additional clerk on and after the first day of May, 1873."

House bill No. 969, "An act to create certain county offices and provide for filling the same."

House bill No. 968, "An act to pay sheriffs for furnishing blankets, musquito bars and fuel to prisoners, and cleaning and purifying the jails."

House bill No. 970, "An act to prohibit the selling, bartering, giving away, or in any other manner disposing of alcoholic, spirituous or other intoxicating liquors of any kind within certain limits."

House bill No. 894, "An act to legalize the unconditional certificate for three hundred and twenty acres of land issued to Josiah Powers, and the survey made by virtue of the same."

Senator Dillard called up Senate bill No. 378, "An act to prohibit the sale of all intoxicating liquors within three miles of Fairview Academy, Williamson county."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Dohoney called up House bill No. 561, "An act to incorporate a savings bank in Bonham, Fannin county, Texas."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Randle, Shelley, Swift, Tendick, Tracy and Word—23.

Senator Dohoney, chairman *pro tem.* of the Committee on Internal Improvements, submitted the following report:
Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Internal Improvements, to

whom was referred "An act to incorporate the Fort Worth, Cleburne and Waco Railroad Company," have had the same under consideration, and instruct me to report the same back and recommend its passage.

E. L. DOHONEY, Chairman *pro tem.*

Senator Tracy, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: On behalf of the Committee on Enrolled Bills, I did, this morning at 11 o'clock, present to his Excellency the Governor, for his approval and signature, the following Senate bills, to-wit:

No. 200, "An act to amend an act to incorporate Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870.

No. 304, "An act to incorporate the Clinton Bridge Company."

No. 95, "An act for the relief of Luke G. Lea."

No. 51, "An act for the relief of sureties upon official bonds."

No. 113, "An act to validate first-class land certificate No. 150, issued to Freeman Prewitt by the board of land commissioners of Jasper county, July 5, 1839."

No. 336, "An act to provide for the printing of the general laws of this State in the German and Spanish languages."

No. 75, "An act to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county, contracted for the building of a jail, and to provide for their payment."

No. 227, "An act requiring the Treasurer of the State of Texas to receive all payments due on all notes given by purchasers of university land sold under the provisions of an act for the disposition and sale of university lands, approved November 6, 1866, and to require the Commissioner of the General Land Office to issue patents on said lands."

J. G. TRACY, Chairman *pro tem.*

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills would respectfully report that they have examined and compared Senate bill No. 227, "An act requiring the Treasurer of the State of Texas to receive all payments due on all notes given by purchasers of university lands sold under

the provisions of an act for the disposition and sale of the university lands, approved August 30, 1856, and an act amendatory thereof, approved November 6, 1866, and to require the Commissioner of the General Land Office to issue patents on said lands," and find the same correctly enrolled.

J. G. TRACY, Chairman *pro tem*.

Senator Evans called up House bill No. 638, "An act to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting lands in aid of the construction of said railway."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Swift, Tendick, Tracy and Word—22.

Nay—Senator Shelley—1.

Senator Finlay called up House joint resolution No. 729, "Joint resolution for the relief of Rufus A. Upton, late sheriff of Refugio county."

The resolution was read second time, and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Broughton, Cole, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Ruby, Randle, Sayers, Shelley, Swift, Tendick, Tracy and Word—24.

A message was received from the House informing the Senate that the House had passed Senate bill No. 149, "An act to amend an act to incorporate the German Casino of Columbus, Texas."

On motion of Senator Hall, Senate bill No. 66, "An act to dedicate to the use of Travis county certain land in the city of Austin, on which to erect a court house and jail, and to enable said county to build the same," with amendments by the House, taken up, and the Senate concurred in the amendments.

Senator Franks called up Senate substitute for House bill No. 640, "An act to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of their road."

The bill was read second time, and passed to a third

reading; rules further suspended, the bill read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dohoney, Evans, Finlay, Fountain, Franks, Gaines, Hall, Pyle, Randle, Sayers, Shelley, Swift, Tendick, Tracy and Mr. President—19.

Nays—Senators Baker, Ford, Henry, King, Rawson, Saylor and Word—7.

Senator Ford called up House bill No. 326, "An act to prohibit the sale or disposition of spirituous, vinous, or other intoxicating liquors within three miles of Mt. Calm Institute."

The bill was read second time, and passed to a third reading; rules suspended, read third time and passed.

A message was received from the House informing the Senate that the House had considered Senate resolution to adjourn *sine die* on the twenty-sixth day of May, at 12 o'clock M., and that the House had adopted the same with the following amendment, to-wit: Strike out "the twenty-sixth day of May" and insert in lieu thereof "the fourth day of June."

On motion of Senator Fountain the resolution was taken up, and the Senate concurred in the amendment by the House.

Senator Sayers then moved to reconsider the vote just taken, and to lay that motion on the table, which was carried by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dohoney, Evans, Finlay, Fountain, Franks, Gaines, Pyle, Randle, Sayers, Shelley, Swift, Tendick, Tracy and Mr. President—19.

Nays—Senators Baker, Ford, Henry, King, Rawson, Saylor and Word—7.

The Senate being full the call was suspended, and House bill No. 782, "An act permanently locating the county seat of Robertson county," pending when the Senate adjourned this morning, taken up.

The question being upon Senator Hall's motion to postpone the bill until Wednesday next, the same was put and the Senate refused to postpone by the following vote:

Yeas—Senators Baker, Broughton, Ford, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Tendick and Tracy—12.

Nays—Senators Avinger, Ball, Cole, Dillard, Doho-

ney, Evans, Finlay, Henry, King, Pyle, Saylor, Shelley, Sayers, Swift, Word and Mr. President—16.

Senator Hall proposed to amend as follows: In section four strike out all after the word "seat" down to and including "center," in line three. Also, in same section, strike out all after the word "three" in line ten. Adopted, and bill passed to third reading.

Senator Fountain called up House bill No. 589, "An act to incorporate the Texas University," with report from the Committee on Education recommending amendments. Bill read second time.

Senator Ruby moved to lay the amendments on the table.

On motion of Senator King a division of the question was ordered, and the amendments laid on the table *seriatim*.

Senator Baker moved to reconsider the vote tabling the amendment exempting the property from taxation.

Lost, and bill passed to third reading; rules suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Ruby, Saylor, Sayers, Shelley and Tracy—17.

Nays—Senators Baker, Ford, Randle and Word—4.

Senator Gaines called up House bill No. 503, "An act supplemental to an act to incorporate the Pacific and Great Eastern Railroad Company, approved August 13, 1870," with majority and minority reports from the Committee on Internal Improvements. Bill read second time.

Senator Broughton offered the following amendment: Section five, lines seven and eight, strike out "or near Denison," and insert "Sherman." Adopted, and bill passed to third reading; rules suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Broughton, Cole, Ford, Finlay, Fountain, Franks, Gaines, Henry, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

Nay—Senator Hall—1.

Senator Tracy, for the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills beg leave to

report the following Senate bills, which they have examined and compared, to-wit:

Senate bill No. 54, "An act to incorporate the Hibernian Benevolent and Mutual Aid Association of Austin, Texas."

Senate bill No. 223, "An act to submit the permanent location of the county seat of El Paso county to a vote of the people of said county."

Senate bill No. 259, "An act to incorporate the Fort Worth and Denver City Railway Company."

And find the same correctly enrolled.

J. G. TRACY, for Committee.

Senator Shelley, chairman of a select committee, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your special committee, to whom was referred the message from the House of Representatives, informing the Senate that the House of Representatives had resolved to impeach William Chambers, Judge of the First Judicial District of the State of Texas, and would in due time prefer articles of impeachment against the said Chambers, judge as aforesaid, and demanding that the Senate take order therefor, have considered the same, and instruct me to report the accompanying resolution and recommend its adoption. Your committee also recommend that the rules of proceedings and practice for the guidance of the Senate of Texas while sitting as a high court of impeachment, heretofore adopted by the Senate, shall govern said court in its proceedings on the trial of the impeachment of said William Chambers, judge aforesaid.

N. G. SHELLEY, Chairman.

Resolved, That at 12 o'clock to-morrow, the first day of May, the Senate will resolve itself into a court of impeachment, at which time the following oath or affirmation shall be administered by the Secretary to the President of the Senate, and by him to each member of the Senate, to-wit: "I solemnly swear (or affirm, as the case may be), that in all things appertaining to the trial of impeachment of William Chambers, Judge of the First Judicial District, I will do impartial justice, according to law;" which court of impeachment, being thus formed, will, at the time aforesaid, receive the managers appointed by the House of Representatives to exhibit articles of impeachment, in

the name of themselves and of all the people of the State of Texas, against William Chambers, Judge of the First Judicial District, pursuant to notice given to the Senate by the House of Representatives that they had appointed for the purpose aforesaid.

Senator Hall moved to reconsider House bill No. 383.

On motion of Senator Saylor, the Senate adjourned till 9 o'clock A. M. to-morrow.

SENATE CHAMBER,

AUSTIN, TEXAS, May 31, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Rawson, the reading of the journal of yesterday was dispensed with.

A message was received from the House informing the Senate that the House had passed Senate bill No. 312, "An act for the relief of G. Hoffman."

Senate bill No. 86, "An act supplementary to an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," with an amendment by the House.

Also that the House had appointed Representatives Thurmond, Smith of Colorado, and Storey, a committee of conference, on the part of the House, on disagreement between the two houses on House bill No. 234, "An act to encourage stock raising and for the protection of stock raisers."

The following memorial was taken from the President's desk and read:

To the Honorable Senate and House of Representatives of the Thirteenth Legislature of the State of Texas:

We, the undersigned, residents and tax payers of the county of Kerr and State of Texas, having been informed that there is a bill pending before your honorable body, requiring all owners of cattle to fence said cattle in or herd them, would respectfully present to your honorable body that the passage of such a law would, in our opinion, be injurious to the interest of our county and State, and